

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 2059 OF 2005

Moula Manjleshi Mokashi. Petitioner.

Versus

The State of Maharashtra. Respondents.

Mr. R. A. Tekale for the Petitioner.

Mr. C. R. Sonawane, AGP for the Respondent.

CORAM: DALVEER BHANDARI, C.J. &

S. A. BOBDE, J.

DATED : MARCH 31, 2005.

P.C. :

The Petitioner is guilty of plying a more than eight years' old commercial vehicle in Mumbai in clear and flagrant violation of the order dated 3rd March, 2004 passed by a Division Bench of this

Court. The petitioner's truck bearing No. MH-12-QA-8900 was seized by the respondent on 22nd March, 2005, which was registered with the Dy. Regional Transport Officer, Solapur.

2. The learned Counsel appearing for the petitioner submitted that the petitioner was unaware of the above order of the Division Bench. He has apologised for the lapse and has given undertaking to the Court that similar lapse will not be repeated.

3. We have heard the learned Counsel for the petitioner at length.

4. On consideration of the totality of the facts and circumstances, it is suggested that for this lapse, the petitioner be directed to pay Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South-India-Earthquake). The learned Counsel appearing for the petitioner, on instructions, has undertaken to pay this amount immediately. This amount would be utilised for the victims of *Tsunami* tragedy.

5. The petitioner or any authorised representative on his

behalf, would give an undertaking to respondent, the Regional Transport Officer (R.T.O.), Mumbai not to ply the said vehicle in Mumbai in future. On giving this undertaking and paying the said amount of Rs.10,000/- to the Chief Minister's Relief Fund, Maharashtra (South India-Earthquake), the vehicle in question shall be released. The petitioner is directed to hand over the cheque, as mentioned above, to the R. T. O., who in turn, shall forward the same to the Chief Minister's Office.

6. No further directions are necessary. This petition is, accordingly, disposed of.

7. The Registry is directed to send a copy of this order to the Chief Minister's Office for information.

Sd/-

CHIEF JUSTICE

Sd/-

S. A. BOBDE, J.